

Applicants : Martin McVicar and Robert Moffett  
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**Remarks:**

The amendments and remarks presented herein are believed to be fully responsive to the Office Action dated September 19, 2005.

Claims 1, 3, 4, 6, 7 and 10 are pending in the application. Claims 2, 5, 8 and 9 have been canceled herein without prejudice and claims 1 and 3 have been amended as set forth above. The amendments are fully supported in the specification and drawings as originally filed. No new matter has been added.

**CLAIM REJECTIONS**

Claim 5 was rejected under 36 U.S.C. §112, first paragraph, as failing to comply with the enabling requirement. Applicants have canceled claim 5 without prejudice. The rejection is thus obviated.

Claims 1-10 were rejected under 35 U.S.C. §103(a) as being unpatentable over Aoki, U.S. Patent No. 3,998,288, in view of Skaalen et al., U.S. Patent No. 4,599,030. Applicants respectfully traverse the rejections under 35 U.S.C. §103(a) for the reasons set forth below.

Applicants have amended independent claim 1 to clarify that the four-directional forklift truck comprises a respective hydrostatic motor for driving each wheel selectively in either one of two opposite directions of rotation, and a hydraulic system for supplying hydraulic fluid under pressure simultaneously to the two front wheels and one rear wheel whereby all three wheels are always driven or not driven at the same time. The truck is operable in a carousel mode wherein the three wheels are set at respective directions in which their axes of rotation intersect at a substantially common vertical axis equidistant from each wheel whereby the truck rotates substantially about the said common vertical axis with all three wheels driven.

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To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation either in the references themselves or in the knowledge generally available to one of ordinary skill in the art to modify the reference or combine the reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference or references when combined must teach or suggest all the claimed limitations. The teaching or suggestion to make the claim combination and reasonable expectation of success must both be found in the prior art and not based on the Applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991). *See* MPEP § 2143.

Applicants respectfully submit that the combination of Aoki and Skaalen et al. does not disclose, teach, suggest or render obvious the four-directional forklift truck of the present invention, particularly as set forth in independent claim 1 and in the claims depending therefrom. As set forth above, claim 1 has been amended to specify that the motors are hydrostatic motors and to recite "a hydraulic system for supplying hydraulic fluid under pressure simultaneously to the two front wheels and one rear wheel whereby all said three wheels are always driven or not driven at the same time". In other words, no one wheel is drivable or not drivable independently of the others. This is clearly disclosed in relation to both embodiments, where, for example, the drawings show the hydraulic lines 24A/26A, 24B/26B and 24C/26C coupled between the pump 22 and motors 18 with no disconnecting valves in between, and this is also explicitly stated at page 9, lines 28-31.

The significance of this limitation is that, as far as we are aware, prior art three-wheel drive, four directional forklift trucks have always operated in true carousel mode (i.e. rotating substantially on the spot) by disconnecting the hydraulic fluid supply to one or more of the three wheels, as discussed on page 1, lines 23-28 of the present application. This can lead to cavitation, as well as needing costly additional disconnection valves.

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The present invention recognizes that it is not necessary to disconnect the hydraulic fluid supply to any of the three wheels in the carousel mode, leading to substantially lower costs and avoiding the risk of cavitation. This is true even when one wheel is being driven in the opposite direction the other two, as in the embodiment of Figures 1-4 of the present application.

Applicants submit that such a hydraulic system is not disclosed or suggested or rendered obvious in view of Aoki or Skaalen, either alone or in combination with one another or with any other cited art of record. Aoki does not have a hydrostatic motor on each wheel as required by claim 1 (only the wheels A and C are driven), and Aoki corresponds to the acknowledged prior art, since in the carousel mode the hydraulic pressure to the rear motor F is cut off (see, for example, column 3, lines 6-19 of Aoki). This requires a costly disconnection valve or other means to selectively cut off hydraulic pressure to the motor F, as well as leading to a risk of cavitation in the motor F.

Skaalen also does not disclose or suggest such a system. Although column 2, lines 46-49 of Skaalen teaches a respective hydrostatic motor to drive each wheel, Applicants submit that neither Figure 8-J nor its associated description discloses all wheels being driven in carousel mode, as alleged by the examiner. Fig. 8-J is simply a steering diagram. The only passage discussing the hydraulic drive system in Skaalen is at column 4, lines 36-48, which says nothing about whether the wheels are always driven or not driven at the same time as required by claim 1, and it is clear that the particular hydraulic drive system used in Skaalen is not regarded as particularly significant (note that the passage at column 4, line 59 to column 5, line 18 of Skaalen relate to the steering motors, not the wheel drive motors).

Accordingly, Applicants respectfully submit that neither Aoki or Skaalen, either alone or in combination with one another or with any other prior art of record, disclose, teach, suggest or render obvious the four-directional fork lift truck of the present invention, particularly as

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set forth in independent claim 1 and in the claims depending therefrom. Reconsideration and withdrawal of the rejections of claims 1, 3, 4, 6, 7 and 10 is respectfully requested.

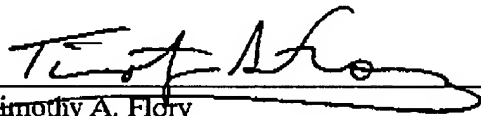
Claims 1, 3, 4, 6, 7 and 10 remain pending in the application. Applicants respectfully submit that claims 1, 3, 4, 6, 7 and 10 are in condition for allowance and a notice to that effect is earnestly and respectfully requested.

Respectfully submitted,

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